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Statement of Ron Paul

4-04-2000

Ron Paul

I appreciate the opportunity to express my support for immediate implementation of the *Pearson v. Shalala* decision. Every day the Food and Drug Administration (FDA) delays implementing *Pearson* is another day when consumers are deprived of their first amendment right to receive information regarding the health benefits of dietary supplements without interference from the federal government.

Such delays are especially hard to justify considering that the court in *Pearson* suggested a reasonable way for the FDA to implement the decision: allow the use of disclaimers for statements that, while not approved by the FDA, are not inherently misleading. Allowing manufacturers to make non-approved statements with a disclaimer is a major step forward toward the creation of a true free market in information regarding dietary supplements.

I also encourage the FDA to continue its work in establishing clear scientific standards for reviewing health claims of foods and dietary supplements since the court in *Pearson* found that the FDA regulations relied on an impermissibly vague standard of "significant scientific review." Of course, clear standards of conduct are the minimum citizens in a free society should expect from their government.

Finally, I urge the FDA to allow claims regarding the effect on existing diseases be made as health claims without subjecting the product in question to regulation as a drug. Thanks to advances in nutritional science, there is a great deal of information available regarding how dietary supplements can help people with conditions such as diabetes, heart problems, and glaucoma. However, regulating food supplements as drugs will have the effect of depriving consumers of a great deal of this valuable information. This is because manufacturers of foods and dietary supplements will simply refrain from informing consumers of the positive effects of their products on diseases in order to avoid having to go through the costly drug approval process. This, of course, bodes well for certain pharmaceutical companies who, some argue, exercise *de facto* control over the FDA's regulatory actions.

Liberalizing the regulations on truthful health claims is consistent with the consumers' first amendment interest in access to truthful information about the benefits of dietary supplements. Allowing participants to make health claims regarding existing diseases is also consistent with congressional intent as expressed in the Dietary Supplement Health and Education Act (DSHEA).

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In conclusion, I would like to reiterate my gratitude to the FDA for providing this forum and express my strong support for immediate implementation of the *Pearson* decision as well as allowing product health claims without subjecting that product to regulation as a drug.